

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JAMES ERIC LOFTEN #616132

§

VS.

§

CIVIL ACTION NO. 5:06cv169

STATE OF TEXAS

§

ORDER OF DISMISSAL

Petitioner James Eric Loften, a former inmate at the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation concluding that the petition for writ of habeas corpus should be dismissed without prejudice. The Petitioner did not file objections to the Report and Recommendation.

The Report of the Magistrate Judge, which contains her proposed findings of fact, conclusions of law and recommendations for the disposition of such action, has been presented for consideration. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that this petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. All motions not previously ruled on are hereby **DENIED**.

SIGNED this 18th day of September, 2006.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE